IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3443 OF 2004

Shakeel Hamid Khan .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.H.H.Ponda for the applicant.
Mr.K.V.Saste APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 16TH AUGUST, 2004

P.C.:

. Heard Mr.Ponda, learned counsel for the applicant and Mr.Saste, learned A.P.P. for the respondent.

2. The applicant has approached this court for being released on bail in C.R.No.101/2004 registered at Nirmal Nagar police station under sections 143, 147, 148 and 302 read with 149 of I.P.C. The applicant and four others are alleged to have committed murder of Gafar Chikna between 2 pm and 3 pm on 16.4.2004. It is the prosecution case that at the relevant time the deceased who was known criminal and extortionist had gone to the spot for collecting the extortion money where the alleged occurrence took place.

3. Mr.Ponda, learned counsel for the applicant at the outset submitted that the applicant is entitled for bail on parity with other accused and more particularly with co-accused - Amin, who have already been released on bail. The role of the present applicant and Amin is identical. I have perused the orders by which the other accused have been enlarged on bail. I did not find any difference between the role of the present applicant and co-accused - Amin. Mr.Saste, learned A.P.P. could not and did not point out any difference between the role allegedly played by the applicant and co-accused - Amin. As a matter of fact all the five accused had allegedly participated in committing the murder of the deceased. The post mortem report shows that the deceased sufferred four injuries on his head and that he had three fractures. Keeping that in view and the overall facts and circumstances of the case and that the applicant has no adverse antecedents I am inclined to enlarge the applicant on bail by giving him a benefit of the rule of parity.

. The applicant is directed to be enlarged on bail on his furnishing a personal bond of

Rs.10,000/- with one or two sureties of the like amount the satisfaction of the trial court subject to condition that he shall report the concerned police station as and when called by the police.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)